

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
APRIL 20, 2016**

**PRESENT:** Mary Jo Capodice, D.O; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D.; Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.(*arrived at 8:01 a.m. via GoToMeeting;*) David Roelke, M.D.; Kenneth Simons, M.D.; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D.; Robert Zondag (*via GoToMeeting*)

**STAFF:** Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Added: Item U) Waiver Request – Robert Ealy*
- *Added: 2 Person Oral Interview Documents for Item Q.1) Douglas Calvin*
- *Replaced: Item V.6.1) Case Closing – 14 MED 331 to correct errors*

**MOTION:** Suresh Misra moved, seconded by David Roelke, to adopt the agenda as amended. Motion carried unanimously.

**MINUTES OF MARCH 16, 2016 – REVIEW AND APPROVAL**

**Amendments to the Minutes:**

**MOTION:** David Roelke moved, seconded by Sridhar Vasudevan, to approve the minutes of March 16, 2016 as published. Motion carried unanimously.

*(Michael Phillips joined the meeting via GoToMeeting at 8:01 a.m.)*

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Proposals for MED 1 and 14 Relating to General Update and Cleanup of Rules**

**MOTION:** Greg Collins moved, seconded by David Roelke, to request DSPS staff draft a revised Scope Statement amending Chapters Med 1 and 14 relating to general update and cleanup of rules. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** David Roelke moved, seconded by Sridhar Vasudevan, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85

(1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Greg Collins – yes; Rodney Erickson – yes; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; David Roelke – yes; Kenneth Simons – yes; Sridhar Vasudevan – yes; Timothy Westlake – yes; Russell Yale – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 8:38 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Timothy Westlake moved, seconded by David Roelke, to reconvene in Open Session at 11:57 a.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

### **CONSIDER MODIFYING 9/17/2014 MOTION REGARDING IN PERSON APPEARANCES FOR ALL EXAMINATIONS**

**MOTION:** Timothy Westlake moved, seconded by Russell Yale, to require all oral examinations of applicants for a license to practice Medicine and Surgery in Wisconsin to be in person. The Board, its chief presiding officer, or the longest serving member of the Board, may waive this requirement at their discretion. Motion carried. Opposed: Greg Collins

### **FULL BOARD ORAL INTERVIEW OF CANDIDATES FOR LICENSURE**

#### **9:05 A.M. APPEARANCE – Douglas Calvin, M.D.**

**MOTION:** Carolyn Ogland Vukich moved, seconded by Timothy Westlake, to grant the application of Douglas Calvin, M.D., for a license to practice medicine and surgery, once all requirements are met. Motion carried unanimously.

#### **9:10 A.M. APPEARANCE – Henry Bikhazi, M.D.**

**MOTION:** Russell Yale moved, seconded by David Roelke, to find the scope and passing grades of the California FLEX examination (June 1970) is substantially equivalent to those of Wisconsin during June 1970. The Board therefore accepts Henry Bikhazi's California FLEX examination in lieu of requiring further written or computer-based examinations. The Board grants a license once all requirements are met. Motion carried unanimously.

### **FULL BOARD REVIEW FOR VISITING PHYSICIAN LICENSURE**

#### **Shivashankar Damodaran, M.D.**

**MOTION:** Sridhar Vasudevan moved, seconded by Timothy Westlake, to table the application of Shivashankar Damodaran, M.D., for a visiting physician license, pending receipt of additional information. Motion carried unanimously.

## VOLUNTARY SURRENDER REQUESTS

**MOTION:** Sridhar Vasudevan moved, seconded by Greg Collins, to table the voluntary surrender requests of Ileen Gilbert, M.D., Wayne Belling, D.O., and Kendall Capecci, M.D. until the June meeting. Motion carried unanimously.

## REQUEST FOR WAIVER OF 24 MONTHS OF ACGME/AOA APPROVED POST GRADUATE TRAINING

### Robert Ealy, M.D.

**MOTION:** Timothy Westlake moved, seconded by Rodney Erickson, to grant a waiver of the 24 months of ACGME/AOA approved post-graduate training per Wis. Stat. §448.05(2)(c). Motion carried. Abstained: 1

## DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

### Petition for Extension of Time

**MOTION:** David Roelke moved, seconded by Timothy Westlake, to grant the Petition and Request for an Extension of Time in the matter of DLSC Case No. 15 MED 177 against Robb A. Edwards, M.D. Motion carried unanimously.

### Monitoring

*(Suresh Misra excused himself from the meeting at 11:18 a.m.)*

*John Hale, M.D.*

**MOTION:** Rodney Erickson moved, seconded by Sridhar Vasudevan, to grant the request of John Hale, M.D. for full unrestricted licensure. Motion carried unanimously.

*Westscot Krieger, M.D.*

**MOTION:** Timothy Westlake moved, seconded by David Roelke, to grant the request of Westscot Krieger, M.D. for reduction of drug screens to 36 per year and one hair test. Motion carried unanimously.

*Joel Lueskow, P.A.*

**MOTION:** Timothy Westlake moved, seconded by Greg Collins, to grant the request of Joel Lueskow, P.A. for full licensure. Motion carried unanimously.

### Complaints

*15 MED 420 – B.S.B.*

**MOTION:** Timothy Westlake moved, seconded by Suresh Misra, to find probable cause to believe that B.S.B., DLSC Case No. 15 MED 420, has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried unanimously.

**Administrative Warning***15 MED 273 – S.C.H.*

**MOTION:** Russell Yale moved, seconded by Suresh Misra, to reject the Administrative Warning in the matter of DLSC case number 15 MED 273 against S.C.H. Motion carried unanimously.

*(Sridhar Vasudevan recused himself and left the room for deliberation and voting in the matter concerning S.C.H., DLSC Case No. 15 MED 273)*

**Proposed Stipulations, Final Decisions and Orders***14 MED 169 – Jan A. Doose, M.D.*

**MOTION:** David Roelke moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jan A. Doose, DLSC Case No. 14 MED 169. Motion carried unanimously.

*14 MED 270 – Abel A. Garibaldi, M.D.*

**MOTION:** David Roelke moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Abel A. Garibaldi, M.D., DLSC Case No. 14 MED 270. Motion carried unanimously.

*14 MED 281 – Bruce Cardone, M.D.*

**MOTION:** David Roelke moved, seconded by Carolyn Ogland Vukich, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Bruce Cardone, M.D., DLSC Case No. 14 MED 281. Motion carried unanimously.

*(Michael Phillips recused himself for deliberation and voting in the matter concerning Bruce Cardone, M.D., DLSC Case No. 14 MED 281.)*

*14 MED 331 – David Andrews, P.A.C.*

**MOTION:** Sridhar Vasudevan moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against David Andrews, P.A.C., DLSC Case No. 14 MED 331. Motion carried unanimously.

*15 MED 264 – Michael D. Plooster, M.D.*

**MOTION:** Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael D. Plooster, M.D., DLSC Case No. 15 MED 264. Motion carried unanimously.

*15 MED 439 – Tammy A. Johnson, M.D.*

**MOTION:** Greg Collins moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Tammy A. Johnson, M.D., DLSC Case No. 15 MED 439. Motion carried unanimously.

### **Case Closings**

#### **CASE CLOSING(S)**

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 MED 331 – *No Violation*
2. 14 MED 589 – *No Violation*
3. 15 MED 311 – *No Violation*
4. 15 MED 433 – *No Violation*

Motion carried unanimously.

#### **PROPOSED FINAL DECISIONS AND ORDERS**

*(Kenneth Simons recused himself and left the room for deliberation and voting in the matters concerning Dale R. Tavis, M.D., DLSC Case No. 14 MED 487 and Victor Ruiz, M.D. DLSC Case No. 14 MED 473.)*

#### **Dale R. Tavis, M.D.**

**MOTION:** David Roelke moved, seconded by Mary Jo Capodice, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Dale R. Tavis, M.D., Respondent, DHA Case No. SPS-16-0001, DLSC Case No. 14 MED 487. Motion carried unanimously.

#### **Victor Ruiz, M.D.**

**MOTION:** David Roelke moved, seconded by Rodney Erickson, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Victor Ruiz, M.D., Respondent, DHA Case No. SPS-16-0014, DLSC Case No. 14 MED 473. Motion carried unanimously.

#### **CONSULTING WITH LEGAL COUNSEL**

*(Rodney Erickson and Sridhar Vasudevan excused themselves and left the room during an update regarding Dr. Houlihan, M.D.)*

#### **RULE WRITING DELEGATION**

**MOTION:** Sridhar Vasudevan moved, seconded by Russell Yale, to delegate David Roelke to work with DSPS staff to revise Wis. Admin. Code Chapters Med 1 and 14 relating to general update and cleanup of rules. Motion carried unanimously.

#### **DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** Mary Jo Capodice moved, seconded by David Roelke, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Sridhar Vasudevan moved, seconded by Carolyn Ogland Vukich, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:59 a.m.